

**STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
DUTY STATEMENT**

Employee Name	Classification Name FEH Counsel - Mediator	Position Number 326-277-6110-XXX
Division/Unit Mediation Division	Date	Prior Incumbent
		Prior Pos #(if applicable) 326-271-9511-054

SUMMARY OF RESPONSIBILITIES

Under the general supervision of the Chief Deputy Director, with minimal review and substantial authority, the incumbent will serve as a mediator performing a variety of tasks related to resolving discrimination complaints under the Fair Employment and Housing Act and other civil rights statutes enforced by the Department of Fair Employment and Housing (DFEH). Duties include, but are not limited to, the following:

Description of Essential Functions:

- 30% Facilitate formal mediation of pre-accusation and post-accusation complaints of discrimination alleging violations of the Fair Employment and Housing Act, Unruh Civil Rights Act, and Ralph Civil Rights Act.
- 30% Mediating complaints alleging employment discrimination, housing discrimination and/or public accommodation discrimination, assisting parties to evaluate strengths and weaknesses of case and negotiating mutually agreeable resolutions.
- 20% Contact parties to complaints to explain Mediation Division services, obtain agreement to mediate and convene and schedule mediations.
- 20% Review and analyze parties' pre-mediation submissions; prepare written settlement agreements as necessary; meet Mediation Division timelines for convening, conducting, and completing mediations and reporting outcomes.

Knowledge and Abilities

Knowledge of legal principles and practice with particular reference to discrimination law, labor relations law, housing and public accommodation law, industrial relations law; legal research methods, court procedures, and rules of evidence and procedure; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law administered or enforced by and the purpose, organization, and procedures of the Department of Fair Employment and Housing and the Fair Employment and Housing Commission; and obligations of public officials and administrative boards and agencies.

Ability to analyze legal principles and precedents and to apply them to complex legal and administrative problems; perform and direct legal research; present statements of fact, law,

and argument clearly and logically in written and oral form; interpret, analyze, and draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively; recognize the special legal problems of employee/employer relations and protective labor laws; effectively plan and engage in discovery, including depositions and interrogatories, and to compel production or attendance of/at same; independently prepare and present difficult and complex cases before boards, commissions, trial courts, and appellate courts; and organize and direct the work of clerical staff, professional assistants, and lower level attorneys.

Desirable Qualifications

Completion of at least 32 hours of verifiable formal mediation training that includes mediation theory and role-play; mediation of at least 10 employment and/or fair housing or public accommodation cases to conclusion; knowledge of the laws governing mediation, including, but not limited to, confidentiality; ability to effectively interact with people in emotionally charged situations; and ability to analyze issues in dispute, evaluate their importance and susceptibility to compromise and formulate ideas and practical suggestions for alternative solutions. Ability to work well under time constraints, good case management skills, integrity, initiative, tact, dependability, good judgment, and ability to work independently and cooperatively. Ability to operate a computer and knowledge of Excel and MS Word software programs. Some travel is required to conduct State business. Selected candidate will be required to certify they have a valid California driver's license and liability insurance. Spanish bilingual certification desirable.

Supervision Received:

The FEH Counsel – Mediator receives supervision from the Chief Deputy Director.

Supervision Exercised:

None.

Administrative Responsibility:

Adheres to all applicable laws, regulations, policies and procedures, including but not limited to the CDRC Standards of Practice for California Mediators, Rules of Professional Conduct, Political Reform Act, Statement of Incompatible Activities, Administrative Manual, and directives from departmental management personnel.

Personal Contacts:

The FEH Counsel - Mediator has contact with Departmental management and staff, complainants, respondents, and legal representatives.

Actions and Consequences:

Failure to use good judgment in handling sensitive and confidential information could result in violation of individual privacy rights, prejudice to DFEH cases, and discredit to the

Department.

Supervisor's Signature

Date

I have read and understand the duties assigned as described above.

Signature of Incumbent

Date